IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

OP.No. 2855 of 1997(M)

PETITIONER:

P.C.VARKEY,
PULPARAMBIL HOUSE,
KADATHY EAST, MARKET P.O.,
MOOVATTUPUZHA,
ERNAKULAM DISTRICT.

BY ADV. SRI.P.GEORGE WILLIAM

RESPONDENTS:
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1. **THE DISTRICT COLLECTOR,**
   COLLECTORATE, CIVIL LINE
   KAKKANAD, ERNAKULAM DISTRICT.

2. **THE REVENUE DIVISIONAL OFFICER,**
   MOOVATTUPUZHA , ERNAKULAM DISTRICT.

3. **ASSISTANT EXECUTIVE ENGINEER,**
   MINOR IRRIGATION DEPARTMENT,
   MOOVATTUPUZHA, ERNAKULAM DISTRICT./

4. **THE SECRETARY ,**
   MOOVATTUPUZHA MUNICIPALITY
   MOOVATTUPUZHA, ERNAKULAM DISTRICT.

5. **C.K.SATHYAN, S/O.KUNJAN, JANATHA VILAS,**
   RESIDING AT 'GOKUL', KADATHY EAST,
   MARKET P.O., MOOVATTUPUZHA,
   ERNAKULAM DISTRICT.

BY ADV. SRI.C.C.THOMAS
SMT.C.NANDINI MENON
SRI.V.M.KURIAN
SRI.A.V.THOMAS
BY GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.CMP. NOS.5156/1997 , 5155/1997 IN OP. 2855/1997

DISMISSED

13.06.2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE PETITION SUBMITTED BY THE PETITIONER DT. 1.4.96.

EXT.P2:- COPY OF THE PETITION DT. 19. 4.96 OF THE PETITIONER TO 1ST RESPONDENT.

EXT.P3:- COPY OF THE PETITION OF THE PETITIONER DT. 20.4.96 TO THE 1ST RESPONDENT.

EXT.P4:- COPY OF THE COMPLAINT DT./ 29.4.96 TO 1ST RESPONDENT.

EXT.P5:- COPY OF THE NOTICE NO.A3-2061/76 DT. 2.6.96 OF 2ND RESPONDENT.

EXT.P6:- COPY OF THE PETITION DT. .8.7.96 OF THE PETITIONER TO 4TH RESPONDENT.

EXT.P6(A):- COPY OF THE ACKNOWLEDGEMENT CARD ISSUED BY THE 4TH RESPONDENT.

EXT.P7:- COPY OF THE LETTER NO.L.DIS. 50350/96/M2 DT. 16.10.06 OF THE 1ST RESPONDENT TO THE PETITIONER.

EXT.P8:- COPY OF THE ROUGH SKETCH.

/TRUE COPY/

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KURIAN JOSEPH J.

O.P. NO. 2855 OF 1997

Dated 13th June, 2007.

J U D G M E N T

Petitioner approached this Court complaining of inaction on the part of respondents 1 to 3 against the alleged encroachment made by the 5th respondent. Though an attempt was made before the District Collector, the same was turned down holding that none of the personal rights of the petitioner are affected. During the pendency of the writ petition, it is submitted that the writ petitioner died. Be that as it may, in case the legal representatives or any of the members of the family have still any grievance with regard to the alleged encroachment made by the 5th respondent, it is made clear that it will be open to such person to approach the Commissioner, Land Revenue, in which case, the matter will be duly considered by the said authority with notice to the affected parties also.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. 2855 OF 1997 (M)

J U D G M E N T

Dated 13th June, 2007.